

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA  
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>February 13, 2018</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2017-351-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2018-74(A)*</u>

**THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.**

**SUBJECT:**

DOCKET NO. 2017-351-E - Newberry Solar I, LLC, Complainant/Petitioner v. Duke Energy Carolinas, LLC, Defendant/Respondent - Staff Presents for Commission Consideration the Petition to Intervene Filed on Behalf of Birdseye Renewable Energy, LLC.

**COMMISSION ACTION:**

Move we deny the Petition to Intervene. The Commission issued its Notice of this Complaint matter between Newberry Solar and Duke on December 8, 2017. On January 3, 2018, the parties in the docket requested that the procedural deadlines be held in abeyance because they were in the process of settling the Complaint. The parties confirmed the settlement to the Commission on January 11, 2018, asking that the docket be closed, with prejudice. Birdseye Renewable Energy, LLC, filed later that same day, January 11th, to intervene. According to its reply to the parties' objections, Birdseye requests that the docket be held open until February 14, 2018, so that it can communicate with the parties and gather more facts to its potential claims regarding how the Complaint or settlement would affect its position in Duke's solar interconnection queue. There is no outstanding controversy in this docket, given that Birdseye is attempting to intervene in this matter after the parties have informed the Commission that they were settling the Complaint. Further, Birdseye doesn't have standing to intervene, given that it still needs to determine whether it suffers from any particularized harm and, instead, is still trying to determine its potential rather than actualized claims. If Birdseye comes to believe that it has suffered particularized harm, it may file its own complaint.

Again, I move we deny the Petition to Intervene.

\*This amended Order corrects the date of the Notice of Complaint specified at the beginning of the Order from September 8, 2017 to December 8, 2017. All other aspects of the Order are the same.

PRESIDING: WhitfieldSESSION: RegularTIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
BOCKMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ELAM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(SEAL)



RECORDED BY: J. Schmieding